

## Appendix C – Correspondence

- Early Coordination (*one letter*)
- NEPA/Section 404 Merger Process (*six letters*)
- Cultural Resources (*13 letters*)
- Recreational Resources (*two letters*)
- Rare Species (*four letters*)
- Section 4(f) (*two letters*)
- Correspondence with Cliffs Natural Resources (*one letter*)
- Water Resources (*one letter*)



## Minnesota Department of Natural Resources

500 Lafayette Road  
St. Paul, Minnesota 55155-4010

January 7, 2011

Cindy Lilligaard  
MnDOT District 1  
1123 Mesaba Ave.  
Duluth, MN 55811

RE: Response to MnDOT Early Notification Memo Requesting Information and Early Coordination Regarding  
TH53 Relocation Information Request (SP6918-80), St Louis County.

Dear Ms. Lilligaard:

The Minnesota Department of Natural Resources (DNR) has the following information that can be included in further studies of the TH 53 Relocation between Eveleth and Virginia due to United Taconite Mine Expansion. There are four corridors currently being considered. The Minnesota Natural Heritage Information System has been queried to determine if any rare plant or animal species, native plant communities, or other significant natural features are known to occur within an approximate one-mile radius of the corridor options. Within all four corridors, there are no High or Outstanding Sites of Biodiversity Significance defined, nor do they intersect with DNR old-growth or Scientific Natural Areas (SNAs). However we offer the following considerations for the corridors currently being proposed:

### **West Corridor (WC):**

1. Public Waters:
  - a. Two basins: Lake Manganika. (PWI # 62-726P), and Long Lake (PWI # 69-653P).
  - b. Three Public Watercourses would need to be crossed with this alignment: Elbow Creek, the outlet from Lake Manganika and Long Lake Creek.

It is not known if there would be impacts to Lake Manganika or Long Lake. However, regardless of road near the lake, a Public Waters Work permit would be required for the crossings of the three streams.
2. Rare Features:
  - a. Our files show an eagles nest on Lake Manganika. The most recent entry (2005) lists the nest as inactive. We do not know if the nest has been active since then.
3. Natural areas:
  - a. This corridor has the least altered terrain and as such, this corridor is more likely to have adverse impacts to area wildlife than the other options.
4. Mineral Resources and Mine Development:
  - a. This corridor would have little or no impact on ferrous mineral resources or future taconite mine development.

### **Central Corridor (CC):**

1. Public Waters: none
2. Rare Features: none known
3. Natural areas: none. This corridor is 100% altered terrain.
4. Mineral Resources and Mine Development:
  - a. This corridor would route the highway through mined out portions of United Taconite's pit, and allow for the continued operation of this mine and continued taconite development progressing to the north. Ambient air quality may be an issue with this alternative. MNDOT would have to work with United Taconite on a design that would ensure that mining equipment could move over the highway or under the highway in a manner that was safe for the public and provide United Taconite with needed mine equipment movement.

## North East Corridors (NEC-A and NEC-B):

1. Public Waters:
  - a. Lake Virginia (PWI # 62-663P)
  - b. Unnamed Tributary to (PWI # 62-663P).

It is not known if there would be impacts to Lake Virginia. However, regardless of design at the lake, a Public Waters Work permit would be required for the crossing of the stream.
2. Rare Features:
  - a. Our files show that Peregrine Falcons were utilizing the old Rouchleau Mine cliffs in the 1990's. We do not know if they continue to utilize this area. Should this corridor move forward, we would need to survey the area in the spring to verify its use or non-use as a nesting site for the falcons.
3. Recreational Use:
  - a. The NE corridors contain the new Iron Range Off Highway Vehicle Recreational Area (IROHVRA).
  - b. The relocation of TH 53 and the mine expansion will impact several snowmobile trails connecting Virginia, Eveleth and Gilbert (specifically the Eveleth-Virginia Spur Trail).

During the planning process we recommend simultaneously exploring and developing multi-use opportunities including OHV connections to the three towns and IROHVRA. Let us know if we can assist in this.
4. Mineral Resources and Mine Development:
  - a. The area of corridors NEC-A and NEC-B contains known underground mine workings, and known areas of ground subsidence and caving due to underground mining. (Corridor NEC-B is aligned along a ¼ mile stretch of subsidence into U/G mine workings.) The full extent of underground mining in this area is not known. (Not all mines were mapped, and not all maps are accessible.) Given the recent history of HWY 169 in Chisholm, safety and cost factors related to potential highway subsidence into underground mine workings should eliminate consideration of any northeast corridor.
  - b. The area surrounding corridors NEC-A and NEC-B contains known mineral resources and magnetic taconite reserves, and will be used for future mine development. Any highway route chosen in this area would necessitate future re-alignment, or would preclude development of valuable state and private minerals. The encumbrance of state owned and private minerals would require compensation to the owners. In addition, mine stockpiles and tailings basins would be impacted by any route chosen within this area. Complex ownership issues arise regarding personal property within stockpiles and tailings basins. Encumbrance of these resources would require compensation to the owners.

This highway is being realigned due to current mine expansion. It should not be routed through areas of valuable mineral resources and future mine expansions. For information relating to Mineral Resources and Mine Development, please contact John Engesse, Assistant Director, DNR Lands and Minerals, by phone (218) 231-8448, or email [john.engesser@state.mn.us](mailto:john.engesser@state.mn.us).

GIS data for locations of DNR interests listed above can be found on the DNR Data Deli [http://deli.dnr.state.mn.us/data\\_catalog.html](http://deli.dnr.state.mn.us/data_catalog.html).

If you have questions regarding this letter, please e-mail me at [peter.leete@state.mn.us](mailto:peter.leete@state.mn.us) or call at (651) 366-3634.

On behalf of the DNR

Sincerely,



Peter Leete  
DNR Transportation Hydrologist  
(DNR-MnDOT OES Liaison)  
@ Office of Environmental Services, mail stop 620  
Minnesota Department of Transportation  
395 John Ireland Blvd.  
St. Paul, MN 55155

C: ERDB file 20110209



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 02 2011

REPLY TO THE ATTENTION OF:

E-19J

Phil Forst  
Environmental Specialist  
Federal Highway Administration  
380 Jackson Street, Suite 500  
St. Paul, Minnesota 55101-4802

Jennie Ross  
Environmental Assessment Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

Re: EPA Concurrence on FHWA/MnDOT Draft Purpose & Need, dated August 17, 2011, for Trunk Highway 53 (TH 53) Project between the Cities of Virginia and Eveleth, Saint Louis County, Minnesota.

Dear Mr. Forst and Ms. Ross:

The U.S. Environmental Protection Agency – Region 5 (EPA) received the 08/19/2011 email with attached file (3\_purp\_&\_need 08-18-2011 Traffic Revised v2.pdf) of the Draft Purpose and Need (P&N) document, dated August 17, 2011. Our review of the August 17, 2011 draft P&N indicates that revisions were made as agreed to during the 08/16/2011 conference call with Federal Highway Administration's (FHWA), the Minnesota Department of Transportation (MnDOT), the U.S. Army Corps of Engineers (USACE), and EPA. These revisions include:

- Section 3.1 – Revised the project Purpose, to better emphasize the need to address the easement agreement issue.
- Section 3.2.1 – Added reference to the easement termination letter and 1960 easement documents (to be included in Appendix A of the Scoping Document).
- Exhibit 2 – Revised to add existing (2009) forecast volumes.
- Sections 3.2.3 and 3.2.4 – Replaced (projected) 2011 volumes with most recent traffic count volumes – i.e., 2009.
- Section 3.3 – Added pedestrian/bike accommodation as an additional consideration.

EPA concurs with the Draft Purpose and Need, dated August 17, 2011.

However, we do recommend the following changes (in red font) be made to better clarify the

intent of the last bullet in Section 3.3 - Other Considerations, as follows:

- Provide a feasible transportation solution that is based on first avoiding and then minimizing adverse environmental impacts.
- Mine operations near public air space may warrant closer review against National Ambient Air Quality Standards (NAAQS). These standards were established to protect public health and the environment.

If you have any questions please contact Virginia at (312) 886-7501 or [laszewski.virginia@epa.gov](mailto:laszewski.virginia@epa.gov).

Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

cc: Brian Larson, PE, MnDOT-District 1, 1123 Mesaba Ave., Duluth, MN 55811  
Daryl Wierzbinski, USACE, Regulatory Project Manager, USACE, Two Harbors  
Field Office, 1554 Highway 2, Suite 2, Two Harbors, MN 55616



**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL MINNESOTA 55101-1678**

February 7, 2012

CEMVP-Operations  
Regulatory (2011-00769-DWW)

Mr. Philip Forst  
U.S. Department of Transportation  
Federal Highway Administration  
380 Jackson Street  
Galtier Plaza, Suite 500  
St. Paul, Minnesota 55101-4802

Dear Mr. Forst:

This letter serves as Corps concurrence with the purpose and need statement for Minnesota Department of Transportation (MnDOT) District 1's proposed State Project #6918-80, which addresses the current highway location of Trunk Highway 53 (TH) from 2<sup>nd</sup> Avenue West to Vermilion Drive in the city of Virginia, St. Louis County, Minnesota and the probable affects of the termination of the easement agreement conditions at this location. This one-mile segment of TH 53 operates on an easement granted to the State of Minnesota by United States Steel (US Steel). This easement has been terminated by US Steel and is the primary need for action and requires MnDOT to address the future of TH 53 at this location.

The Federal Highway Administration (FHWA) in cooperation with MnDOT submitted preliminary information to our Two Harbors office in early May 2011. Since then, interagency coordination meetings and a field site visit have occurred. A draft scoping document was submitted in January 2012. We appreciate the coordination efforts amongst the FHWA, MnDOT and cooperating agencies, which has afforded us the ability to fully review the purpose and need for the proposed project.

We concur with the project purpose and need in the draft scoping document, and will use it in any subsequent Clean Water Act (CWA) Section 404 permit evaluation. As stated in the draft scoping document, the project purpose is to address easement agreement conditions that affect the current highway location, in order to provide a transportation facility that will safely maintain adequate roadway capacity and mobility as well as local, regional and interregional connectivity. The project's need supports taking action to address the termination of the easement agreement and the anticipated transportation problem and maintaining local connectivity to the regional transportation system.



CEMVP-Operations  
Regulatory (2011-00769-DWW)

The project purpose will be used in our analysis of practicable alternatives in the scoping document(s) and other supplemental material, in accordance with the CWA Section 404 (b)(1) Guidelines, and will guide our response regarding the range of alternatives to be carried forward and evaluated in the Environmental Impact Statement (EIS).

We appreciate the FHWA and cooperating agencies' implementation of a merged National Environmental Policy Act (NEPA)/CWA Section 404 review process in the development of the EIS. We believe Concurrence Point 1, as laid out in the Corps' April 2007 NEPA/404 merger document, has been satisfied for the proposed project.

We look forward to continued coordination in this merged NEPA/404 process for the proposed project. If you have any questions, contact Daryl W. Wierzbinski in our Two Harbors field office at (218) 834-6630. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron  
Chief, Regulatory Branch

Copy furnished:

Brian Larson, MnDOT District 1, Duluth, MN

Jennie Ross, MnDOT, St. Paul, MN

Virginia Laszewski, USEPA District 5, Chicago, IL



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 17 2012

REPLY TO THE ATTENTION OF:

E-19J

Phil Forst  
Environmental Specialist  
Federal Highway Administration  
380 Jackson Street, Suite 500  
St. Paul, Minnesota 55101-4802

Jennie Ross  
Environmental Assessment Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155

Re: Concurrence Point #2: Alternatives to be Carried Forward for Further Study in the EIS for the Trunk Highway 53 (TH 53) Project between the Cities of Virginia and Eveleth, Saint Louis County, Minnesota.

Dear Mr. Forst and Ms. Ross:

The U.S. Environmental Protection Agency – Region 5 (EPA) received your 07/16/2012 and 05/25/2012 emails with, in part, attached file (Request for 404 Merger CP2-052512.pdf) requesting EPA issue a letter summarizing concurrence and/or concerns regarding Concurrence Point 2: Alternatives to be carried forward for further study. At this time, the Federal Highway Administration (FHWA) and Minnesota Department of Transportation (MNDOT) propose that the following alternatives, as defined in the May 2012 “working draft” of the Scoping Decision Document (SDD), undergo detailed analysis in the Draft Environmental Impact Statement (DEIS):

- No-Build Alternative (Closure of the Easement Segment of US 53. Reroute traffic onto existing roads.)
- Existing US 53 Alternative (Negotiate for the continued use of the Easement Segment of US 53.)
- Alternative M-1 (Relocate and build new US 53 segment following the grade created by the now backfilled Auburn Pit through the UTAC Mine as depicted in SDD Exhibit 3.)



- Alternative E-2 (Relocate and build new US 53 segment north of existing easement segment across Rouchleau pit as depicted in SDD Exhibit 3.)

In addition, FHWA/MNDOT propose to eliminate from further consideration all Western Corridor Alternatives (Alternatives W-1, W-2, W-3 and W4 with Two Options "A" and "B"), the Middle Corridor Alternative M-2, and East Corridor Alternatives E-1, E-3 and E-4 due, in part, to their greater costs and environmental impacts.

EPA concurs with the four alternatives FHWA/MNDOT propose to carry forward into the DEIS as identified in the May 2012 "working draft" of the SDD for detailed study and analysis. However, if further study and analysis indicate that the four FHWA/MNDOT alternatives currently proposed for further study are not viable alternatives, then modifications to one or more of the alternatives and/or additional alternatives may need to be identified and assessed.

If you have any questions please contact Virginia Laszewski at (312) 886-7501 or [laszewski.virginia@epa.gov](mailto:laszewski.virginia@epa.gov).

Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

cc: Roberta Dwyer, PE, MNDOT-District 1, 1123 Mesaba Ave., Duluth, MN 55811  
Daryl Wierzbinski, USACE, Regulatory Project Manager, USACE, Two Harbors  
Field Office, 1554 Highway 2, Suite 2, Two Harbors, MN 55616



**DEPARTMENT OF THE ARMY**  
**ST. PAUL DISTRICT, CORPS OF ENGINEERS**  
**180 FIFTH STREET EAST, SUITE 700**  
**ST. PAUL MINNESOTA 55101-1678**

**JUL 24 2012**

CEMVP-Operations  
Regulatory (2011-00769-DWW)

Mr. Philip Forst  
U.S. Department of Transportation  
Federal Highway Administration  
380 Jackson Street  
Galtier Plaza, Suite 500  
St. Paul, Minnesota 55101-4802

Dear Mr. Forst:

This letter serves as Corps concurrence with the alternatives to be carried forward in the Draft Environmental Impact Statement (DEIS) for the Minnesota Department of Transportation (MnDOT) District 1's proposed State Project #6918-80. The No-Build Alternative and (3) three practicable alternatives were described in the February 2012 Draft Scoping Document (DSD) to address the termination of MnDOT's easement rights for the current highway location of Trunk Highway 53 from 2<sup>nd</sup> Avenue West to Vermillion Drive in the City of Virginia, St. Louis County, Minnesota.

After reviewing the current available information and alternative analysis documentation in the DSD, we believe clear consideration was given to the avoidance and minimization of adverse aquatic resource impacts in the multi-corridor analysis. We concur that the following alternatives should be carried forward for further study in the DEIS:

1. **No-Build Alternative:** "the no build alternative would respond to the easement terms by simply closing the US 53 easement segment, resulting in traffic being re-routed to exiting highways";
2. **Existing US 53 Alternative:** "the existing US 53 Alternative would keep US 53 where it is, and open to traffic by addressing the economic, legal, or engineering issues associated with resolving the terms of the easement agreement";
3. **Alternative M-1:** "this alternative would mostly follow the grade created by the now backfilled Auburn Pit through the UTAC Mine, providing the most direct route for a realigned US 53"; and
4. **Alternative E-2:** "this alternative extends further to the north in order to cross the Rouchleau pit at one of its narrow openings, while at the same time balancing concerns about getting back to the 2<sup>nd</sup> Avenue interchange quickly in order to minimize community impacts".


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Regulatory (2011-00769-DWW)

In providing concurrence with the alternatives carried forward for Section 404 purposes, the Corps is also in concurrence with the dismissal of the West Corridor Alternatives (Alternatives W-1, W-2, W-3, and W-4); Middle Corridor Alternative M-2; and the East Corridor Alternatives (Alternative E-1, E-3, and E-4).

If there are changes to the proposal relevant to the purpose and need, and/or alternatives, or if there is new information, we may revisit these concurrence points.

We look forward to continued coordination in this merged NEPA/404 process for the proposed project. If you have any questions, contact Daryl W. Wierzbinski in our Two Harbors field office at (218) 834-6630. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

  
Tamara E. Cameron  
Chief, Regulatory Branch

Copy furnished:  
Virginia Laszewski, USEPA District 5, Chicago, IL  
Nick Rowse, USFWS, St. Paul, MN  
Jennie Ross, MnDoT, St. Paul, MN  
Roberta Dwyer, MnDoT, District 1, Duluth, MN  
Jim Brist, MPCA, St. Paul, MN  
Kate Paul, MnDNR, Hibbing, MN



DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL MINNESOTA 55101-1678

SEP 25 2013

CEMVP-Operations  
Regulatory (2011-00769-DWW)

Mr. Philip Forst  
U.S. Department of Transportation  
Federal Highway Administration  
380 Jackson Street  
Galtier Plaza, Suite 500  
St. Paul, Minnesota 55101-4802

Dear Mr. Forst:

We have reviewed the Amended Scoping Decision Document (ASDD) dated September 2013 and concur with the reassessment that Alternative E-1A should be added as a practicable alternative to the review for the Minnesota Department of Transportation (MnDoT) District 1's proposed State Project #6918-80. We concur that this alternative should be carried forward in the Draft Environmental Impact Statement (DEIS) with the No-Build Alternative and (3) three practicable alternatives listed in our letter dated July 24, 2012. The proposed project addressed the termination of MnDoT's easement rights for the current highway location of Trunk Highway 53 from 2<sup>nd</sup> Avenue West to Vermillion Drive in the City of Virginia, St. Louis County, Minnesota.

We concur that the following alternatives should be carried forward for further study in the DEIS (see attachment, Exhibit 4):

1. **No-Build Alternative:** "the no build alternative would respond to the easement terms by simply closing the US 53 easement segment, resulting in traffic being re-routed to exiting highways";
2. **Existing US 53 Alternative:** "the existing US 53 Alternative would keep US 53 where it is, and open to traffic by addressing the economic, legal, or engineering issues associated with resolving the terms of the easement agreement";
3. **Alternative M-1:** "this alternative would mostly follow the grade created by the now backfilled Auburn Pit through the UTAC Mine, providing the most direct route for a realigned US 53";
4. **Alternative E-1A:** "allows for a lower crossing of the Rouchleau Pit without a bridge and avoids the majority of the School Trust land but requires partial dewatering of the pit."
5. **Alternative E-2:** "this alternative extends further to the north in order to cross the Rouchleau pit at one of its narrow openings, while at the same time balancing concerns

CEMVP-Operations  
Regulatory (2011-00769-DWW)

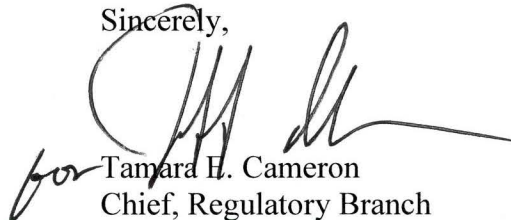
about getting back to the 2<sup>nd</sup> Avenue interchange quickly in order to minimize community impacts”.

In providing concurrence with the alternatives carried forward for Section 404 purposes, the Corps is also in concurrence with the dismissal of all the West Corridor Alternatives (Alternatives W-1, Modified W-1, W-2, W-3, and W-4 (A & B)); the Middle Corridor Alternative M-2; and the East Corridor Alternatives (Alternative E-1, E-2A, E-3, and E-4).

Again, the Corps agreement at this point implies that the proposer would not be asked to evaluate new alternatives during our review of a subsequent permit application. However, if there are substantial changes or there is new information on the project, the Corps may require consideration of other alternatives.

We look forward to continued coordination in this merged NEPA/404 process for the proposed project. If you have any questions, contact Daryl W. Wierzbinski in our Two Harbors field office at (651) 290-5691. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



Tamara E. Cameron  
Chief, Regulatory Branch

Attachment:  
ASDD Exhibit 4

Copy furnished:  
Virginia Laszewski, USEPA District 5, Chicago, IL  
Andrew Horton, USFWS, St. Paul, MN  
Jennie Ross, MnDoT, St. Paul, MN  
Roberta Dwyer, MnDoT, District 1, Duluth, MN  
Jim Brist, MPCA, St. Paul, MN  
Julie Jordan, MnDNR, Hibbing, MN



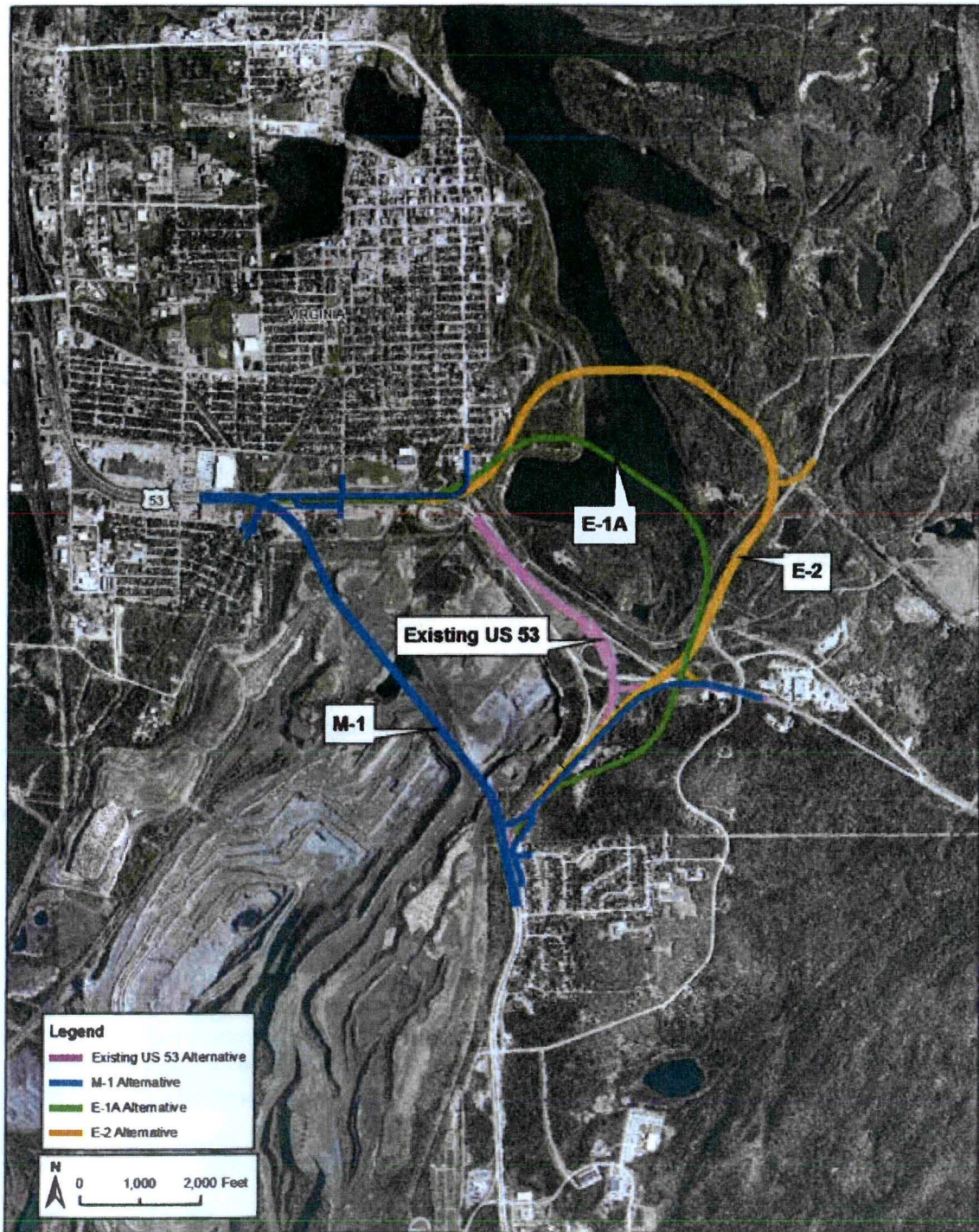


EXHIBIT 4

Highway 53 - Virginia to Eveleth

Detail View of U.S. Highway 53 Alternatives





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

OCT 30 2013

REPLY TO THE ATTENTION OF:

E-19J

Phil Forst  
Environmental Specialist  
Federal Highway Administration  
380 Jackson Street, Suite 500  
St. Paul, Minnesota 55101-4802

Re: Concurrence Point #2 (amended): Alternatives to be Carried Forward for Further Study in the EIS for the Trunk Highway 53 (TH 53) Project between the Cities of Virginia and Eveleth, Saint Louis County, Minnesota.

Dear Mr. Forst:

The U.S. Environmental Protection Agency – Region 5 (EPA) received your October 3, 2013, letter addressed to Susan Hedman, Region 5 Administrator seeking amended written concurrence from EPA for point number two (CP #2) of the National Environmental Policy Act (NEPA) / Clean Water Act, Section 404 merger process (NEPA/404 merger process): range of alternatives to move forward into the Draft Environmental Impact Statement (DEIS) for detailed study.

EPA provided written concurrence in our letter to FHWA/MNDOT dated July 17, 2012, with the four alternatives FHWA/MNDOT proposed to carry forward into the DEIS as identified in the May 2012 "working draft" of MNDOT's Scoping Decision Document (2012 SDD) for detailed study and analysis, as follows:

- No-Build Alternative (Closure of the Easement Segment of US 53. Reroute traffic onto existing roads.)
- Existing US 53 Alternative (Negotiate for the continued use of the Easement Segment of US 53.)
- Alternative M-1 (Relocate and build new US 53 segment following the grade created by the now-backfilled Auburn Pit through the UTAC Mine as depicted in 2012 SDD Exhibit 3.)
- Alternative E-2 (Relocate and build new US 53 segment north of existing easement

segment across Rouchleau pit as depicted in 2012 SDD Exhibit 3.)

In addition, EPA, in our July 17, 2012, letter, did not object to FHWA/MNDOT's proposal to eliminate from further consideration all Western Corridor Alternatives (Alternatives W-1, W-2, W-3 and W4 with Two Options "A" and "B"), the Middle Corridor Alternative M-2, and East Corridor Alternatives (Alternatives E-1, E-3 and E-4) due, in part, to their greater costs and environmental impacts.

**New Alternative (Alternative E-1A):** Your October 3, 2013, letter informed us that new information came to light since MNDOT's 2012 SDD. After additional consideration and analysis MNDOT produced an Amended Scoping Decision Document dated August 2013 (2013 ASDD). In addition to the No-Build and the three 2012 SDD alternatives proposed for detailed analysis in the DEIS, MNDOT proposed a new build alternative, Alternative E-1A, as identified in Section 5.4 and depicted in Exhibits 3 and 4 of the 2013 ASDD undergo detailed analysis in the DEIS. EPA reviewed the information regarding Alternative E-1A in MNDOT's 2013 ASDD. EPA concurs that Alternative E-1A as identified in MNDOT's 2013 ASDD be added to the alternatives we have previously concurred with in our July 17, 2012, letter to be carried forward for detailed analysis in the DEIS. We request the DEIS include full wetland/waters delineations for every alternative carried forward so that impacts can be accurately quantified and the effect on the quality of each wetland better understood by all reviewers.

If new information, further study and/or analysis indicate that any of the four FHWA/MNDOT action alternatives currently proposed for further study (i.e., Existing US 53 Alignment, Alternative M-1, Alternative E-1A, and Alternative E-2), are not viable/feasible alternatives, then one or more of the current alternatives may need to be modified and/or additional alternatives may need to be identified and assessed.

If you have any questions, please contact Virginia Laszewski of my staff at (312) 886-7501 or [laszewski.virginia@epa.gov](mailto:laszewski.virginia@epa.gov).

Sincerely,



Kenneth A. Westlake  
Chief, NEPA Implementation Section  
Office of Enforcement and Compliance Assurance

cc: ✓ Roberta Dwyer, PE, MNDOT-District 1, 1123 Mesaba Ave., Duluth, MN 55811  
Daryl Wierzbinski, USACE, Regulatory Project Manager, USACE, Two Harbors  
Field Office, 1554 Highway 2, Suite 2, Two Harbors, MN 55616



"LEGEND HOUSE"

January 26, 2011

Craig Johnson  
Archaeologist  
Cultural Resources Unit  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
Saint Paul, MN 55155-1899

**RE: S.P. 6918-80 (TH 53, St. Louis County)**  
**Relocation of TH 53**  
**T. 57-58 N., R. 17-18 W**

Dear Craig;

This letter is in response to plans by Minnesota Department of Transportation to relocate TH 53 in the Virginia area, St Louis County using federal funds administered by the Federal Highway Administration (FHWA). The project proposes four different relocation alternatives due to the expansion of the United Taconite iron mine. Three alternatives NE C-A, NE C-B and CC are relatively short (1.6 to 3 miles) route the highway south and east of the City of Virginia. Alternative WC is 11.5 miles long and extends along TH 37 west of TH 53, then north near the Canadian National Railroad until it reaches County Road 7 and reconnecting with TH 53 at the southwest end of Virginia.

The Bois Forte THPO has no record of cultural or religious properties within the proposed APE of any alternative, but recommends cultural resource inventories be undertaken no matter which of the routes is chosen. Due to the presence of sites adjacent to or within the APE's of the proposed routes the THPO wishes to continue consultation under 36 CFR Part 800.2(c).

Thank you for the opportunity to comment on this project. Should you have any questions, please do not hesitate to contact me at 218-753-6017 or [rozeberens@yahoo.com](mailto:rozeberens@yahoo.com).

Sincerely,

*Rosemary Berens*

Rosemary Berens  
Tribal Historic Preservation Officer  
Bois Forte Band of Ojibwe

cc Bill Latady



Minnesota Department of Transportation

395 John Ireland Boulevard  
Saint Paul, Minnesota 55155-1899

August 24, 2012

Dr. Mary Ann Heidemann  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55101-1906

Regarding: S.P. 6918-80 (TH 53, Koochiching County)  
Relocation in the Virginia area  
T. 58 N., R. 17 W., S. 16 – 18, 20 & 21, City of Virginia  
SHPO: 2011-3404

Dear Dr. Heidemann:

Enclosed are two recently completed reports on this project entitled *Phase I and II Archaeological Investigations for the Trunk Highway 53 Relocation Project, Virginia to Eveleth, St. Louis County, Minnesota* by Andrea Vermeer (2012) and *Phase I and II Architectural History Evaluation for the TH 53 Relocation, Virginia, St. Louis County, Minnesota* by Carole Zellie (2012). Also included is a set of unbound architecture history forms.

The archaeology report identified one historic site, Rouchleau Shops (21SL1135). A subsequent evaluation of the site recommended that the site is not eligible for listing in the National Register of Historic Places. Based on this report, we agree that the site is not eligible.

The architecture history report identified 105 properties including 86 houses, seven commercial properties, six industrial properties, the Rouchleau Group mining landscape, one city boulevard, one city park, and one railroad spur. Follow-up evaluations of these properties concluded that the Range Paper Company (SL-VSG-150) and West 5<sup>th</sup> Avenue South Boulevard (SL-VCG-152) are eligible for listing in the National Register of Historic Places under Criterion A. We agree with these eligibility recommendations.

The assessment of effects section of the architecture report concluded that there were no direct or indirect effects to National Register properties along alignment Alternative M-1. However, alignment Alternative E-2 may have direct visual and auditory effects on the Range Paper Company, depending on alterations to the existing interchange. Since there is no anticipated change in the view of TH 53 from the West 5<sup>th</sup> Avenue South Boulevard property or increase in traffic, there will be no effects to this property. This determination could change if the TH 53 is elevated from its present state.

As construction plans develop, we will review these with your office and consult with you on ways to avoid or minimize any adverse effects to these two properties.



If you have additional questions regarding this project, please contact me at (651) 366-3614.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig Johnson". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Craig Johnson  
Archaeologist  
Cultural Resource Unit

enclosures

cc: Brian Larson, MnDOT D. 1 (2 reports)  
Cindy Lillegaard, MnDOT D. 1  
Phil Forst, FHWA  
Jennie Ross, MnDOT OES  
JoAnne Coombe, St. Louis County Historical Society (2 reports)  
Betty Birnstihl, Virginia Area Historical Society (2 reports)  
Scott Anfinson, OSA (1 report)  
Doug Abere, CH2M Hill (2 reports)  
Legislative Library (2 reports)



**State Historic Preservation Office**

September 20, 2012

Mr. Craig Johnson  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Re: S.P. 6918-80; TH 53 Relocation Project between Eveleth and Virginia  
St. Louis County  
SHPO Number: 2011-3404

Dear Mr. Johnson:

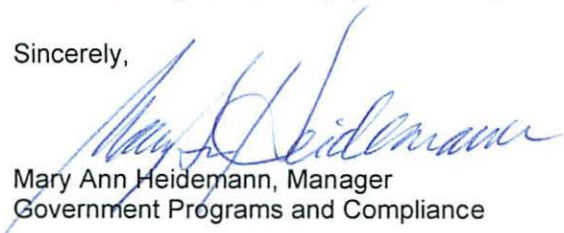
Thank you for providing copies of the Phase I and II cultural resource investigations prepared for the TH 53 relocation project, along with your recommended determinations of eligibility. This information has been reviewed according to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act, and implementing federal regulations found at 36 CFR Part 800.

For archaeology, we reviewed the detailed information and site photos assembled during survey and evaluation of the Rouchleau Shops (21SL1135). Based on the information provided, **we agree that site 21SL1135, the Rouchleau Shops, are not eligible for listing in the National Register of Historic Places.**

Many historic and architectural properties were evaluated for National Register eligibility. The survey report and forms were well done and complete. However, only two sites were recommended as eligible: the West 5<sup>th</sup> Avenue South Boulevard (SL-VGC-152) and the Range Paper Company (SL-VGC-150). Based on the information provided, **we agree that the West 5<sup>th</sup> Avenue South Boulevard, including the period lamp posts, is eligible for the National Register.** However, **we do not concur that the Range Paper Company is eligible.** In our opinion, the physical integrity of this building has been significantly compromised by covering the original masonry of the office portion (the building's primary facade) with vinyl siding. Covering the second story office windows, replacement of windows on the first floor, and the relocation of the main entrance have also negatively affected the building. In its current condition, the building does not retain sufficient historical integrity to support National Register eligibility.

We look forward to completing consultation on this project, when road relocation plans are more fully developed. Meanwhile, if you have any questions regarding our review, please call me at (651) 259-3456.

Sincerely,



Mary Ann Heidemann, Manager  
Government Programs and Compliance

cc: Carole Zellie, Landscape Research LLC



**State Historic Preservation Office**

November 20, 2012

Mr. Craig Johnson  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Re: S.P. 6918-80; TH 53 Relocation Project between Eveleth and Virginia  
St. Louis County  
SHPO Number: 2011-3404

Dear Mr. Johnson:

Thank you for providing further information on the location alternatives now being considered for the TH 53 project; along with your recommended determination of effect. This information has been reviewed according to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act, and implementing federal regulations found at 36 CFR Part 800.

Based on the cultural resource survey and evaluation information developed for this project, we concur with your finding that either the Southwest Alternative or the Northeast Alternative will cause **no adverse effect** to properties listed in or eligible for the National Register of Historic Places.

If either of these alternatives is selected for implementation, this finding should conclude the Sec. 106 review. If either alternative is modified, or if another alternative is selected, please let us know. Meanwhile, if you have any questions regarding our review, please call me at (651) 259-3456.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mary Ann Heidemann', written over a horizontal line.

Mary Ann Heidemann, Manager  
Government Programs and Compliance

cc: Carole Zellie, Landscape Research LLC



**Minnesota Department of Transportation**

**Office of Environmental Services**

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155

Office Tel: (651) 366-3614

Fax: (651) 366-3603

December 6, 2013

Sarah Beimers  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55101-1906

Regarding: S.P. 6918-80 (TH 53, Koochiching County)  
Relocation in the Virginia area  
T. 58 N., R. 17 W., S. 16 – 18, 20 & 21, City of Virginia  
SHPO: 2011-3404

Dear Ms. Beimers:

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the Programmatic Agreement (PA) between the FHWA and the Minnesota State Historic Preservation Office (SHPO) (June 2005).

Earlier this year, MnDOT decided to examine several additional alternative alignments for this project besides the earlier Alternatives M-1 and E-2 alignments your office has already reviewed. These new alignments, designated E-1, E-1A and E-2A, are the subject of an archaeological identification and evaluation study conducted by Two Pines Resource Group in 2013 entitled *Phase I and II Archaeological Investigations for the Truck Highway 53 Relocation Project (Alternatives E-1, E-1A and E-2A), Virginia to Eveleth, St. Louis County, Minnesota*. The survey identified one property, the Minnewas Homestead (21SL1208) which was also evaluated and recommended as not eligible for listing in the National Register of Historic Places. MnDOT agrees with this recommendation.

If you have additional questions regarding this project, please contact me at (651) 366-3614.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Johnson'.

Craig Johnson  
Archaeologist  
Cultural Resources Unit (CRU)

cc: Roberta Dwyer, MnDOT D. 1  
Cindy Lillegaard, MnDOT D. 1  
Debra Moynihan, MnDOT C.O.  
Bill Latady, Bois Forte THPO



## State Historic Preservation Office

December 6, 2013

Mr. Craig Johnson  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Re: S.P. 6918-80; TH 53 Relocation Project between Eveleth and Virginia  
St. Louis County  
SHPO Number: 2011-3404

Dear Mr. Johnson:

Thank you for providing information regarding MnDOT's decision to evaluate additional alternative alignments E-1A and E-2A for this TH 53 project, in addition to the earlier alignments that our office has previously reviewed. This information has been reviewed according to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act, and implementing federal regulations found at 36 CFR Part 800.

Per this additional alternative alignment study, we have completed our review of the report entitled *Phase I and II Historic Resources Evaluation for the TH 53 Relocation, TH 53 Alternatives E-1A and E2A, Virginia, St. Louis County, Minnesota* (Landscape Research LLC, October 2013). We concur with the findings in this report which indicate that the identified properties, the Coons Mine and Stockpile and the Minnewas Mine Lean Ore Stockpile and Tailings Basin, are **not eligible** for listing in the National Register of Historic Places (NRHP).

It is our understanding that MnDOT will be submitting the archaeological survey report for Alternatives E-1A and E2A at a later date. We look forward to reviewing this report upon its completion.

If you have any questions regarding our review, please feel free to contact me at (651) 259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance

cc: Carole Zellie, Landscape Research LLC





**Minnesota Department of Transportation**

**Office of Environmental Services**

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155

Office Tel: (651) 366-3614

Fax: (651) 366-3603

January 9, 2014

Sarah Beimers  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55101-1906

Regarding: S.P. 6918-80 (TH 53, Koochiching County)  
Relocation in the Virginia area  
T. 58 N., R. 17 W., S. 16 – 18, 20 & 21, City of Virginia  
SHPO: 2011-3404

Dear Ms. Beimers:

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the Programmatic Agreement (PA) between the FHWA and the Minnesota State Historic Preservation Office (SHPO) (June 2005).

Earlier this year, MnDOT decided to examine several additional alternative alignments for this project besides the earlier Alternatives M-1 and E-2 alignments your office has already reviewed. These new alignments, designated E-1, E-1A and E-2A, are the subject of an archaeological identification and evaluation study conducted by Two Pines Resource Group in 2013 entitled *Phase I and II Archaeological Investigations for the Truck Highway 53 Relocation Project (Alternatives E-1, E-1A and E-2A), Virginia to Eveleth, St. Louis County, Minnesota*. The survey identified one property, the Minnewas Homestead (21SL1208) which was also evaluated and recommended as not eligible for listing in the National Register of Historic Places. MnDOT agrees with this recommendation.

On 12/6/2013 we received a concurrence letter from your office agreeing with our determination that the Coons Mine and Stockpile, and the Minnewas Mine Lean Ore Stockpile and Tailings Basin are not eligible for listing in the National Register of Historic Places. As a consequence, we have now determined that there are **no historical properties affected** by Alternatives E-1, E-1A, and E-2A.

If you have additional questions regarding this project, please contact me at (651) 366-3614.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Johnson'.

Craig Johnson  
Cultural Resources Unit (CRU)

cc: Roberta Dwyer, MnDOT D. 1  
Cindy Lillegaard, MnDOT D. 1  
Debra Moynihn, MnDOT C.O.

## State Historic Preservation Office

January 9, 2014

Mr. Craig Johnson  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Re: S.P. 6918-80; TH 53 Relocation Project between Eveleth and Virginia  
St. Louis County  
SHPO Number: 2011-3404

Dear Mr. Johnson:

Thank you for providing further information on additional relocation alternatives now being considered for the TH 53 project; along with your recommended determination of effect. This information has been reviewed according to the responsibilities given the State Historic Preservation Officer by Section 106 of the National Historic Preservation Act, and implementing federal regulations found at 36 CFR Part 800.

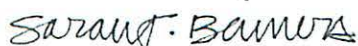
We have completed our review of the archaeological survey and evaluation report recently submitted for the proposed TH 53 relocation project Alternatives E-1, E-1A, and E-2A. We concur with your determination that the Minnewas Homestead (21SL1208) is not eligible for listing in the National Register of Historic Places and that no further archaeological survey work is required for these alternatives. Therefore, based upon this and our previous review (SHPO letter dated 6 Dec 2013) of the history/architectural survey for these alternatives, we concur with your finding of **no historic properties affected** for Alternatives E-1, E-1A and E-2A.

As you know, our office previously reviewed two other TH 53 relocation alternatives, the M-1 (Southwest Alternative) and E-2 (Northeast Alternative). At that time, our office provided concurrence with your finding of no adverse effect for these two alternatives (SHPO letter dated 20 Nov 2012).

If any of these alternatives is selected for implementation, this finding and our previous finding should conclude your agency's Section 106 review. If any alternative is modified, or if another alternative is selected, please contact our office.

Meanwhile, if you have any questions regarding our review, please call me at (651) 259-3456.

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



**Minnesota Department of Transportation**

**Office of Environmental Services**

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155

Office Tel: (651) 366-3614

Fax: (651) 366-3603

March 4, 2014

Sarah Beimers  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55101-1906

Regarding: S.P. 6918-80 (TH 53, Koochiching County)  
Relocation in the Virginia area  
T. 58 N., R. 17 W., S. 16 – 18, 20 & 21, City of Virginia  
SHPO: 2011-3404

Dear Ms. Beimers:

We have reviewed the above-referenced undertaking pursuant to our FHWA-delegated responsibilities for compliance with Section 106 of the National Historic Preservation Act, as amended (36 CFR 800), and as per the terms of the Programmatic Agreement (PA) between the FHWA and the Minnesota State Historic Preservation Office (SHPO) (June 2005).

The E-1A alternative is the only alternative that may require extensive dewatering of the Rouchleau Pit. Temporary dewatering of the Rouchleau mine pit may be undertaken to allow for the construction of a causeway through the pit with fill below the current water line. Three alternative pipeline routes have been identified, designated as the West Two Rivers Option, the Minntac Tailings Basin Cell 2 Option, and the Enterprise Pit Option (see enclosed map). All options involve a temporary water pipe to be placed on top of the ground surface. The pipe will be in place approximately three to six months. It will be placed primarily within the right-of-way of existing roads, railroad, and power line routes. Ground disturbance will occur only for crossing of existing driveways and roads that intersect TH 169, US 53 and at a few locations within the mines (Minntac and ArcelorMittal) where the pipeline crosses haul or access roads.

There are no known archaeological sites along the pipeline routes and because the pipe will be located on top of the ground or placed below existing roads, there is little potential for disturbing any unknown sites. We consider this change in plans to have no effect on historic properties.

If you have additional questions regarding this project, please contact me at (651) 366-3614.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Johnson'.

Craig Johnson  
Cultural Resources Unit (CRU)

cc: Roberta Dwyer, MnDOT D. 1  
Debra Moynihan, MnDOT C.O.  
Beth Kunkel, Kimley-Horn

## State Historic Preservation Office

April 11, 2014

Mr. Craig Johnson  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Re: S.P. 6918-80; T.H. 53 Relocation Project between Eveleth and Virginia  
St. Louis County  
SHPO Number: 2011-3404

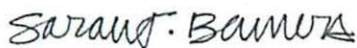
Dear Mr. Johnson:

Thank you for continued consultation on the above project. This project has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

You recently wrote to us on 12 March 2013 indicating a proposed modification to the E-1A Alternative for the T.H. 53 road project which will involve temporary dewatering of the Rouchleau Mine Pit during construction of the causeway. Based on available information, we concur with your determination that **no historic properties will be affected** by the proposed dewatering modification to the E-1A Alternative.

Feel free to contact me if you have any questions regarding our review. I can be reached at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



**Minnesota Department of Transportation**

**Office of Environmental Stewardship**

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155

Office Tel: (651) 366-3614

Fax: (651) 366-3603

July 16, 2014

Sarah Beimers  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55102

Regarding: S.P. 6918-80 (TH 53, St. Louis County)  
Relocation in the Virginia Area  
SHPO: 2011-3404

Dear Ms. Beimers:

Thank you for your letter of 12/6/2013 concurring with our finding that there are no eligible architecture properties in Alternatives E-1A and E-2A. Due to the accelerated schedule of the project, a third alternative designated as W-1A was not included in our last review. At that time, Alternative W-1A was dropped from further consideration even though the field documentation of architectural properities was nearly complete. No work was completed on the archaeology of this alternative other than some initial pre-field activities.

We decided to complete the Phase I architecture survey of this alternative, which also includes evaluation recommendations. The recently completed enclosed report by Carole Zellie of Landscape Research entitled *Phase I and II Historic Resources Evaluation for the TH 53 Relocation Project Alternatives E-1A, E-2A, and W-1A, Virginia and Eveleth, St. Louis County, Minnesota* includes the earlier abbreviated report sent to you on 11/5/2013 on Alternatives E-1A and E-2A plus some additions needed to complete the work on Alternative W-1A (Chapters 4.1, 4.2, 5.3, Appendix B and C). Also enclosed are inventory forms for Alternative W-1A.

Since MnDOT is no longer considering Alternative W-1A in it's plans, we feel that the results of the enclosed report do not change any of our previous findings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Johnson'.

Craig Johnson  
Cultural Resources Unit (CRU)

cc: MnDOT CRU Project File  
Roberta Dwyer, MnDOT D. 1  
Cindy Lillegaard, MnDOT D. 1  
Debra Moynihan, MnDOT C.O.





**Minnesota Department of Transportation**

**Office of Environmental Stewardship**

Mail Stop 620  
395 John Ireland Boulevard  
St. Paul, MN 55155

Office Tel: (651) 366-3614

Fax: (651) 366-3603

October 9, 2014

Sarah Beimers  
State Historic Preservation Office  
Minnesota Historical Society  
345 Kellogg Blvd. W.  
St. Paul, MN 55102

Regarding: S.P. 6918-80 (TH 53, St. Louis County)  
Revised Alternative E-2 Alignment  
SHPO: 2011-3404

Dear Ms. Beimers:

The purpose of this letter is to submit for your review our most recent Phase I archaeological survey of a recently revised alternative alignment (E-2) to this project. Since this new alignment falls within the area of potential effect of other architectural history identification and evaluation efforts, no additional work was done on this aspect of the project.

The enclosed 2014 report by Two Pines Resource Group entitled *Phase I Archaeological Investigation for the Trunk Highway 53 Relocation Project (E-2 Alternative), Virginia to Eveleth, St. Louis County, Minnesota* did not identify any additional archaeological properties in the Revised E-2 Alternative. As a consequence, we feel that the results of the enclosed report do not change any of our previous findings.

Sincerely,

A handwritten signature in black ink, appearing to read 'Craig Johnson'.

Craig Johnson  
Archaeologist  
Cultural Resources Unit

cc: MnDOT CRU Project File  
Roberta Dwyer, MnDOT D. 1  
Cindy Lillegaard, MnDOT D. 1  
Debra Moynihan, MnDOT C.O.  
Beth Kunkel, Kimley-Horn

## State Historic Preservation Office

November 7, 2014

Mr. Craig Johnson  
MnDOT Cultural Resources Unit  
Transportation Building, MS 620  
395 John Ireland Boulevard  
St. Paul, MN 55155-1899

Re: S.P. 6918-80; T.H. 53 Relocation Project between Eveleth and Virginia  
St. Louis County  
SHPO Number: 2011-3404

Dear Mr. Johnson:

Thank you for continuing consultation on the above project. Additional information received in our office on 10 October 2014 has been reviewed pursuant to the responsibilities given the State Historic Preservation Officer by the National Historic Preservation Act of 1966 and implementing federal regulations at 36 CFR 800, and to the responsibilities given the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

It is our understanding that the E-2 alignment for this project, which we previously reviewed, has been slightly modified and is now being called the Revised E-2 Alternative alignment. We have completed our review of the *Phase I Archaeological Investigation for the Trunk Highway 53 Relocation Project (E-2 Alternative), Virginia to Eveleth, St. Louis County, Minnesota* (Two Pines Resource Group, October 2014) which was completed for the modified section of this alternative. The survey did not identify any additional archaeological properties within the area of potential effect (APE) for the Revised E-2 Alternative. You have also indicated that this revised alternative falls within the previously reviewed APE for architecture/history resources and that no further survey is necessary.

As you indicated in your October 9<sup>th</sup> correspondence, your agency's previous findings of effect do not change as a result of the E-2 Alternative's modification. According to our records, we concurred with a "no adverse effect" determination for the E-2 Alternative (also referred to as the Northeast Alternative) on 20 November 2012. As you know, our office has reviewed many different alternatives and modifications of alternatives since this November 2012 determination. Therefore, we request that you provide our office with clarification regarding the remaining alternative, or alternatives, currently under consideration including a summary and status of Section 106 consultation, specifically determinations of effect.

Feel free to contact me if you have any questions regarding our review. I can be reached at 651-259-3456 or by e-mail at [sarah.beimers@mnhs.org](mailto:sarah.beimers@mnhs.org).

Sincerely,



Sarah J. Beimers, Manager  
Government Programs and Compliance



U.S. Department  
of Transportation  
Federal Highway  
Administration

Minnesota Division

November 14, 2012

380 Jackson Street  
Galtier Plaza, Suite 500  
St. Paul, MN 55101-4802  
651.291.6100  
Fax 651.291.6000  
[www.fhwa.dot.gov/mndiv](http://www.fhwa.dot.gov/mndiv)

Mr. Tom Landwehr  
Commissioner  
Minnesota Department of Natural Resources  
500 Lafayette Road North  
Saint Paul, MN 55155-4040

Re: Iron Range Off-Highway Vehicle Recreation Area  
Section 4(f) Designation

Dear Mr. Landwehr:

The FHWA is preparing an Environmental Impact Statement (EIS) in cooperation with MnDOT for the potential relocation of US 53 near the City of Virginia. One of the alternatives being considered crosses into a portion of School Trust land (Section 16) of which much of this parcel has been master planned by the DNR to be used as an off highway vehicle recreation area. However, the portion of Section 16 west of Landfill Road is not included in the 2010 Iron Range Off-Highway Vehicle Recreational Area Master Plan for recreational use (Figure 3 of the master plan amendment 2010). It states:

- On page 15; refers to area west of Landfill Road as “auxiliary mining lands” – suggesting lands are subject to future mining
- Page 16 continues this idea; says that taconite reserves “will remain available for future mining without encumbrance from the ... OHVRA”
- Figures 3 & 8 (taken together) show an “unused area” west of Landfill Road and illustrate that Landfill Road follows along the edge of the Biwabik Iron Formation
- The rest of the OHVRA site is described as: “The Virginia site, or project area, will be developed exclusively for trail riding for all classes of Off-highway Vehicles (OHVs), All-terrain Vehicles (ATVs), Off-Highway Motorcycles (OHMs), and Off-road Vehicles (ORVs); ORVs include larger vehicles such as 4x4 trucks and jeeps.”

Based on the 2010 OHVRA Master Plan showing the portion Section 16 west of Landfill Road, FHWA would interpret that this area has no existing or intended recreational use. Your concurrence with this interpretation is requested as this interpretation is important to determination of impacts to be included in the EIS.

If the area west of Landfill Road, as described above, has no existing or planned recreational use, the Federal Highway Administration would intend to declare the OHVRA a multiple use facility in the eyes of Section 4(f). Therefore, the portion of the OHVRA west of landfill road would not be considered a Section 4(f) property in the assessment of impacts for this US Highway 53 EIS.

Please respond by November 30, 2012, or call me with any questions (651-290-6110). Thank you for your prompt attention to this request.

Sincerely,

 Philip Forst  
2012.11.14  
07:56:03 -06'00'

Philip Forst  
Environmental Specialist

Enclosures

PJF/alk

cc: 1 MnDOT – Moynihan, e-copy, [debra.moynihan@state.mn.us](mailto:debra.moynihan@state.mn.us)  
1 MnDOT – Dwyer, e-copy, [Roberta.dwyer@state.mn.us](mailto:Roberta.dwyer@state.mn.us)  
1 MnDNR – Nelson, DNR Director Parks & Trails, e-copy, [courtland.nelson@state.mn.us](mailto:courtland.nelson@state.mn.us)  
1 MnDNR – Linde, DNR Land & Minerals, e-copy, [aaron.vande-linde@state.mn.us](mailto:aaron.vande-linde@state.mn.us)

DMS – MN DOC LIBRARY-#35521-SP 6918-20 - TH 53 Between Virginia and Eveleth - 10-16-12  
Letter to DNR Regarding OHVA as Multiple Use Area - St Louis County



# Minnesota Department of Natural Resources

Division of Parks and Trails  
500 Lafayette Road  
St. Paul, MN 55155  
651-259-5622



January 3, 2013

Philip Forst, Environmental Specialist  
Federal Highway Administration  
380 Jackson St., Galtier Plaza, Suite 500  
St. Paul, MN 55101-4802

Re: Iron Range Off-Highway Vehicle Recreational Area  
Section 4(f) Designation

Dear Mr. Forst:

Your letter on the above mentioned matter, dated November 14, 2012 has been given to me for a response. Your assessment of Off-Highway Vehicle use of the land in Section 16 lying west of the St. Louis County landfill road is essentially correct, no use is planned for that part of section 16. With the concerns the City of Virginia had expressed with motorized use close to the open pit where the City water supply is drawn from, we decided to keep all activity east of the landfill road.

With that said, the OHV site has also agreed to work with the local snowmobile club and provide access to the City of Virginia. Currently the snowmobile trail from the east range comes through the Gilbert site, crossing on the existing OHV bridge over the DM&IR tracks, continuing on the OHV trail into the City of Gilbert.

Three years ago when we worked with MNDOT to install an underpass under highway 135 in Gilbert that structure was sized to accommodate snowmobile groomers as well as off-highway vehicles. The thought being with the moving of highway 53, the snowmobile connection between Eveleth and Virginia would be lost and they would be able to reestablish that trail by going through the OHV site. So my concern with the proposed highway 53 alignment is trying to ensure that project does not hamper or prevent us from making that winter trail connection.

If the bridge or road over Rouchleau Pit has a pedestrian path that could accommodate snowmobiles and a trail groomer then I don't see any major issues with the proposal. We had hoped to route the snowmobile trail further north but with ISPAT's current in pit dumping that is no longer an option. Second option was to put something adjacent to the Mesabi Trail but with this mining expansion that will no longer be an option. Therefore if the new highway alignment could accommodate this trail the system could remain intact with this new connection.

If you have any questions please let me know and thank you for the opportunity to review and comment on your alternatives.

Ron Potter  
Project Manager  
500 Lafayette Road  
St. Paul, MN 55155

cc Courtland Nelson  
Laura Preus  
Debra Moynihan - MnDOT



## Minnesota Department of Transportation

395 John Ireland Boulevard  
Saint Paul, MN 55155

January 9, 2013

Tony Sullins, Field Supervisor  
U.S. Fish and Wildlife Service  
Twin Cities Field Office  
4101 East 80<sup>th</sup> Street  
Bloomington, MN 55425

Re: Request for Concurrence  
May Affect, Not Likely to Adversely Affect Determination - Canada Lynx  
State Project 6918-80, Trunk Highway 53  
City of Virginia, St. Louis County, Minnesota

Dear Mr. Sullins:

The Minnesota Department of Transportation (MnDOT) acting as the non-federal representative for the Federal Highway Administration (FHWA), is requesting concurrence from the U.S. Fish and Wildlife Service (Service) that the above referenced action is not likely to adversely affect the Canada Lynx (*Lynx canadensis*) a federally-listed threatened species..

### Project Background

Since May 1960, MnDOT has operated a segment of US 53 on an easement granted by United States Steel Corporation (now RGGS Land and Minerals Co., or RGGS). This is roughly a one-mile segment of US 53, from approximately 2nd Avenue West to Cuyuna Drive in the City of Virginia, St. Louis County, Minnesota. This segment of roadway is subject to iron ore mining rights held by RGGS and Cliffs Natural Resources (United Taconite Division), the mine's owner and operator, respectively. At its east end, the US 53 easement segment connects with MN Trunk Highway 135 (MN 135), which provides the inter-regional link toward Gilbert and other communities to the east. Under the 1960 easement terms, MnDOT agreed to relocate US 53 upon notice from the mine owner/operator.

On May 5, 2010, United Taconite (UTAC) provided notice to MnDOT that the 1960 easement rights would be terminated. Under the original easement terms, MnDOT must vacate the US 53 easement within three years. In response to the notice, MnDOT requested a seven-year timeframe for relocation of US 53. The two parties have signed an agreement to modify the easement vacation date as May 2017.

MnDOT is conducting this project planning process, to make decisions on how to best resolve the pending termination of easement rights. Accordingly, the approximate project termini are on US 53 at 2nd Avenue West and Cuyuna Drive.



## Alternatives Currently Under Consideration

### **No Build Alternative**

The No Build Alternative would respond to the easement terms by closing the easement segment of US 53, resulting in traffic being re-routed to existing highways. Signage would be used to officially mark the re-routing of US 53, which would follow existing MN 37, St. Louis County Road 7 (Co. 7), and US 169. Signing and strategic highway safety improvements (such as striping, rumble strips, turn lanes, signal installation, or signal modifications as needed) would be made to address these roads and other connecting roads. No improvement would be made in the No Build Alternative that requires the acquisition of new right-of-way, except for the new connection to 2<sup>nd</sup> Avenue.

This alternative does not meet the project's purpose and need. However, it is an important baseline for the comparison of alternatives, and is required under NEPA and the Minnesota Environmental Review program to be evaluated for comparison purposes.

### **Existing US 53 Alternative (Remains Open)**

The existing US 53 Alternative, though not in compliance with the terms of the existing easement, would keep US 53 in place and open to traffic by addressing the economic, legal, or engineering issues associated with resolving the terms of the easement agreement. The State of Minnesota would not vacate US 53, but would keep the highway open.

Keeping the highway open in its current location would require a legal challenge by the State of Minnesota opposing the termination of the easement. Even with the use of eminent domain, this alternative is assumed to require a large payment from the State to the owners and operators of the minerals and mining/lease rights (RGGS and UTAC). If such an agreement could be reached, this alternative is expected to include construction of grade separations or other highway modifications to allow for the mine to function as one operation from both sides of US 53. This may require temporary closure of the corridor and re-routing traffic to other roadways, similar to the No Build Alternative, during construction.

### **Alternative M-1**

Both Build Alternatives under consideration in this Draft EIS involve construction of a new four-lane US 53 alignment. Neither alternative would provide for pedestrian or trail accommodations within the US 53 right-of-way due to constrained cross-sections needed for crossing the mine pits.

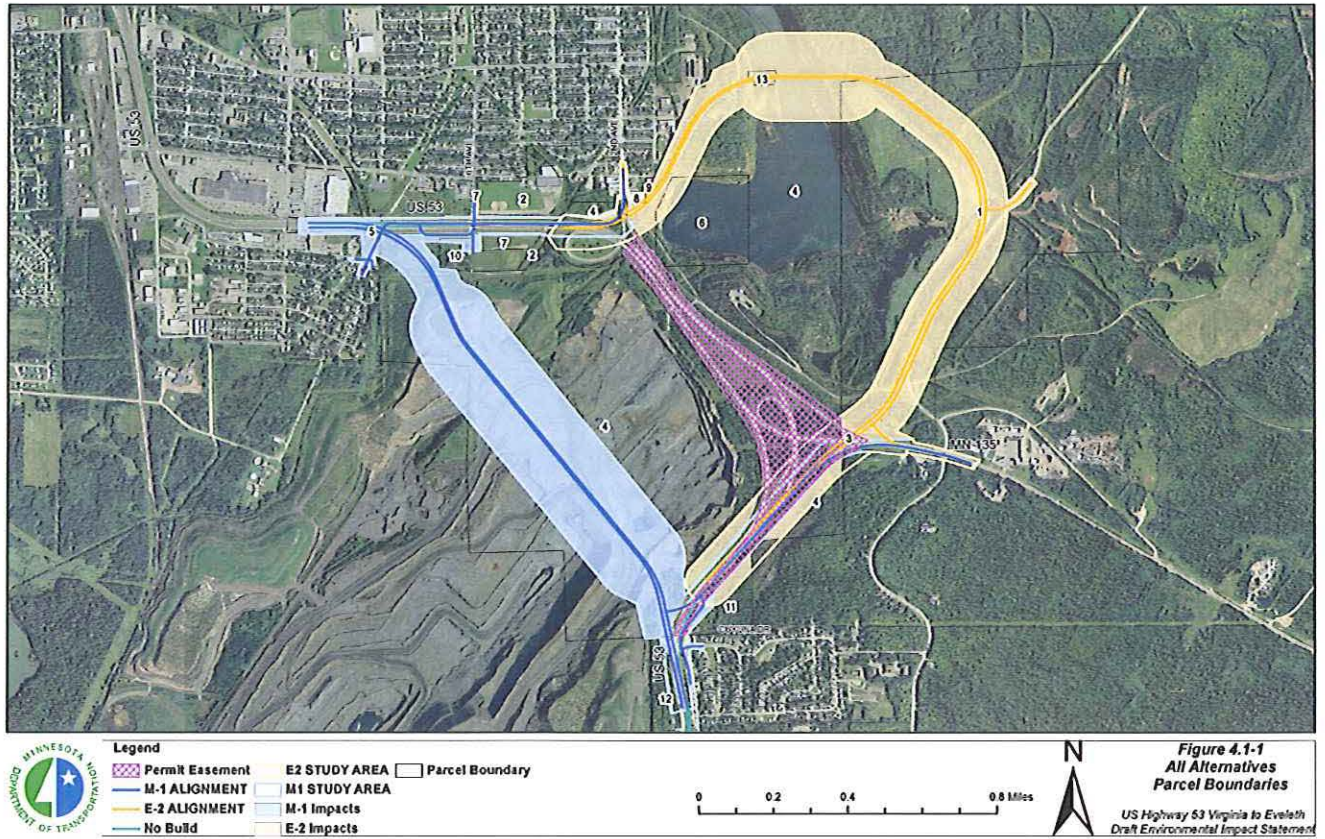
From south to north, this alternative would depart from existing US 53 approximately at Cuyuna Drive in the Midway area of Virginia. Approximately one mile of new four-lane roadway would be constructed to mostly follow the grade created by the partially-backfilled Auburn Pit through the UTAC mine. The new alignment would connect back to existing US 53 approximately 1,000 feet east of the existing 12th Avenue traffic signal.

Earthwork and/or structures would be incorporated into the alignment design to allow for mine operations on both sides of the new alignment. The most feasible pit crossing method has not been determined at this time therefore two options are included to cover a range of potential methods. One covers primarily a fill section across the pit with two separate structures to accommodate mine operations, with the structure(s) located near the north and south ends of the pit crossing. The second option includes the crossing primarily on structure to address potential fill settlement concerns. Both options must consider seismic design criteria due to blasting operations in the adjacent mine. These two options are expected to span the range of potential constructability issues and cost impacts, while addressing mine operation needs to the extent possible.

### **Alternative E-2**

From south to north, Alternative E-2 follows existing US 53 from the Midway area and follows the MN 135 exit ramp for the start of new four-lane construction. The new alignment then continues on a northeasterly track on the present day Landfill Road corridor before turning to the west to cross over the Rouchleau Pit. Upon crossing the pit, Alternative E-2 turns to the southwest following a historic railroad corridor that runs between the pit and residential neighborhoods before reconnecting to existing US 53 at the 2<sup>nd</sup> Avenue interchange.





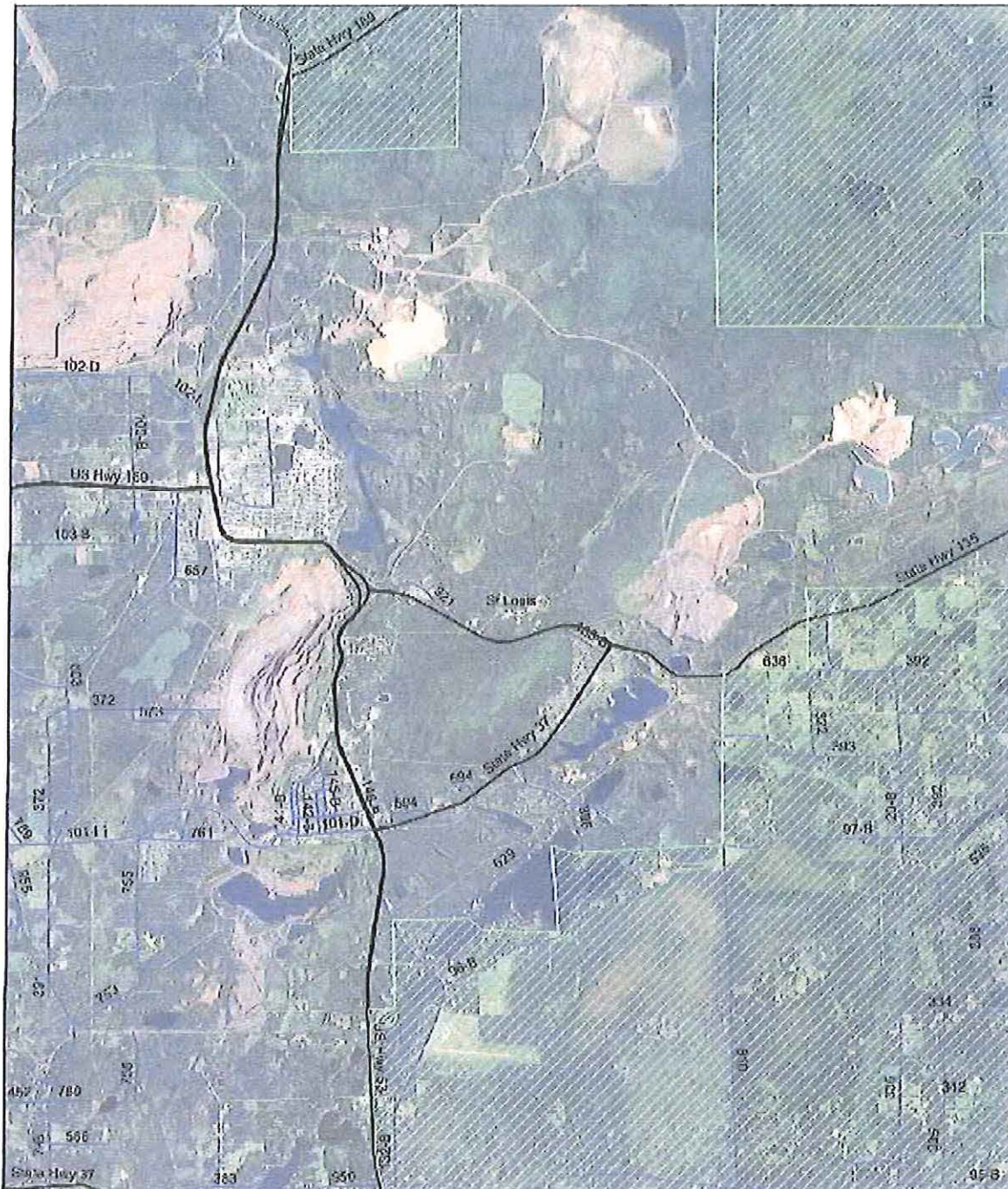
### Listed Species/Critical Habitat within the Project Area

The County Distribution of Minnesota's Federally-Listed Threatened, Endangered, Proposed, and Candidate Species list provided by the Service indicates that St. Louis County is within the distribution range of the Canada lynx (*Lynx canadensis*) and the piping plover (*Charadrius melodus*), both federally-listed species. In addition, St. Louis County contains critical habitat for both of these species.

Of the species identified above, only the Canada lynx is known to occur in this particular area of St. Louis County. There is no designated critical habitat identified in the project area.



## Lynx Critical Habitat near Virginia, MN



Critical Habitat for the lynx identified by the green hatched areas.



### Reason for Concurrence Request

St. Louis County is within the distribution range of the Canada lynx and since this project involves the relocation of a four-lane roadway, the Service was contacted to help determine the appropriate consultation path in accordance with Section 7 of the Endangered Species Act of 1973, as Amended.

After reviewing the proposed alternatives, the extent of previous and current mining activity in the area which has resulted in major landscape level alterations and the lack of designated critical habitat in the project area, it was decided that a determination of may affect, but is not likely to adversely affect was the most appropriate.

### Determination

Based on the information and coordination provided above, MnDOT acting as the non-federal representative for the FHWA, has determined that the proposed action may affect, but is not likely to adversely affect the Canada lynx. We are requesting concurrence that consultation with your office under Section 7 of the Act is complete.

If you require additional information, please contact me at (651) 366-3605.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jason Alcott", with a stylized flourish extending to the right.

Jason Alcott  
Natural Resource Specialist

cc: USFWS- Andrew Horton  
MnDOT- Roberta Dwyer

Deb Moynihan

file



## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

Twin Cities Field Office  
4101 American Blvd E.  
Bloomington, Minnesota 55425-1665

February 21, 2013

Jason Alcott  
Natural Resource Specialist  
Minnesota Department of Transportation  
395 John Ireland Boulevard  
St. Paul, Minnesota 55155-1899

RE: Realignment of US53  
St. Louis County, Minnesota  
State Project No. 6918-80  
FWS Tails No. 03E19000-2013-I-0038

Dear Mr. Alcott:

This responds to your January 9, 2013, letter requesting concurrence as the non-federal representative for the Federal Highway Administration on the impacts of the realignment of US 53, St. Louis County, Minnesota. In particular, the Minnesota Department of Transportation (MN/DOT) is planning to abandon and remove a one-mile segment of the four-lane US53 that is subject to an expiring lease and reroute the trunk highway under one of two proposed alternatives near Virginia, Minnesota. Alternative M-1 would realign the highway through the existing Auburn Pit operated by United Taconite. Alternative E-2 would follow MN135 to the northeast before cutting northwest through a disturbed forested and across the abandoned Rouchleau Pit east of Virginia, Minnesota.

Canada Lynx (*Lynx canadensis*), which is federally threatened, has been documented within 10 miles of the project area and designated Critical Habitat for the species is within five miles. Construction related impacts are expected to occur, however they are all within disturbed areas outside of Critical Habitat where Canada Lynx are less likely to occur. Given that the original highway is removed and the new highway segment maintains the same speed limit and remains outside of Critical Habitat, we do not foresee increased risks to Canada Lynx. We concur with your determination that the funded activities may affect, but are not likely to adversely affect Canada Lynx in the action area, as indicated in the materials provided by you.

This concludes consultation under section 7 of the Endangered Species Act, as amended. Please contact our office if this project changes or new information reveals effects of the action to proposed or listed species or critical habitat to an extent not covered in your original request.

If you have questions about our comments, please call me at (612) 725-3548, ext. 2201, or Andrew Horton at (612) 725-3548, ext. 2208. Thank you for the opportunity to comment on this project.

Sincerely,

Tony Sullins  
Field Supervisor

## Haase, Rachel

---

**From:** Leete, Peter (DOT) <peter.leete@state.mn.us>  
**Sent:** Wednesday, September 18, 2013 10:06 AM  
**To:** Haase, Rachel  
**Cc:** Payne, Ashley; Clevens, Peter T (DNR); Mayerich, Debra (DNR); Crozier, Gaea (DNR); Kelling, Scott J (DNR); Moynihan, Debra (DOT); Loiselle, Amy J (DNR); Reed, Rian H (DNR); Joyal, Lisa (DNR)  
**Subject:** RE: US 53 re-alignment Virginia to Eveleth - NHIS Review update  
**Attachments:** TH53 Realignment (SP6918-80)-Early Notification Memo.pdf; Exhibit 4.pdf

Rachel,

A search of the Natural Heritage Information System (NHIS) for the added E1-A route does not show any need to change the comments from 2011 much. At that time the routes were called the northeast corridors (NEC-A and NEC-B). At some point they became E-1 and E-2, with E-1 subsequently altered and named E-1A. The 2011 comments for NEC-A and NEC-B cover the area of E-1A and E-2 for Public Waters and NHIS concerns. The NHIS detail in the 2011 letter that should be changed is the reference to the peregrine falcon. Its listing has been downgraded from a Threatened Species to Special Concern Species. As you know, details or comments regarding any minerals in the area, and the Off Highway Vehicle Area are being addressed separately through Peter Clevens and Scott Kelling.

Contact me if you have questions

*peter*

Peter Leete  
Transportation Hydrologist (DNR-MnDOT Liaison)  
DNR Ecological & Water Resources  
Ph: 651-366-3634  
[peter.leete@state.mn.us](mailto:peter.leete@state.mn.us)

Office location:  
MnDOT Office of Environmental Stewardship  
395 John Ireland Blvd., MS 620  
St. Paul, MN 55155

---

**From:** [Rachel.Haase@kimley-horn.com](mailto:Rachel.Haase@kimley-horn.com) [<mailto:Rachel.Haase@kimley-horn.com>]  
**Sent:** Tuesday, September 17, 2013 9:55 AM  
**To:** Leete, Peter (DOT)  
**Cc:** [Ashley.Payne@kimley-horn.com](mailto:Ashley.Payne@kimley-horn.com)  
**Subject:** US 53 Virginia to Eveleth - NHIS Review

Peter,

For the US 53 Virginia to Eveleth project in Virginia, St. Louis County, Minnesota, a previous consultation was completed in 2011 (see attached). Recently, an additional alternative has been added to the Draft EIS (Alternative E-1A) so we would like to update the information we have based on the new alternative and the updated species list. The Exhibit 4 attachment shows all of the Build Alternatives being evaluated.

We are looking to have a response in the next two weeks – please let me know if that's possible and if you have any questions or need additional information.

Thank you,

Rachel Haase

**Rachel Haase**

**Kimley-Horn and Associates, Inc.** | 2550 University Avenue West | Suite 238N | St. Paul, MN 55114  
Direct: 651.643.0412 | Office: 651.645.4197 | [rachel.haase@kimley-horn.com](mailto:rachel.haase@kimley-horn.com) | [www.kimley-horn.com](http://www.kimley-horn.com)

## Haase, Rachel

---

**From:** Haase, Rachel  
**Sent:** Monday, December 09, 2013 6:43 PM  
**To:** Haase, Rachel  
**Subject:** FW: TH 53

From: Horton, Andrew [andrew\_horton@fws.gov]  
Sent: Wednesday, September 25, 2013 2:12 PM  
To: Alcott, Jason (DOT)  
Subject: Re: TH 53

Jason,

Yes, I agree that the added alternative E-1A is within the scope of our informal consultation that was completed on February 21, 2013 (03E19000-2013-I-0038). Any additional alternatives that may be developed between E-2 and M-1, or to the SW across the mine pit would also not require reinitiation of this consultation. Please continue to keep me in the loop and let me know if we can be of any further assistance. Thank you.

-Andrew

Andrew Horton  
Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Twin Cities ES Field Office  
4101 American Blvd East  
Bloomington, MN 55425-1665  
(612) 725-3548 ext. 2208

On Mon, Sep 23, 2013 at 10:41 AM, Alcott, Jason (DOT) <[jason.alcott@state.mn.us](mailto:jason.alcott@state.mn.us)<<mailto:jason.alcott@state.mn.us>>>>  
wrote:  
As discussed.

Jason Alcott  
Minnesota Department of Transportation  
Office of Environmental Stewardship  
395 John Ireland Boulevard  
St. Paul, MN 55155  
Phone: 651-366-3605  
Email: [Jason.alcott@state.mn.us](mailto:Jason.alcott@state.mn.us)<<mailto:Jason.alcott@state.mn.us>>





U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**Minnesota Division**

January 28, 2014

380 Jackson Street  
Cray Plaza, Suite 500  
St. Paul, MN 55101-4802

651.291.6100  
Fax 651.291.6000

[www.fhwa.dot.gov/mndiv](http://www.fhwa.dot.gov/mndiv)

Mr. Tom Landwehr  
Commissioner  
Minnesota Department of Natural Resources  
500 Lafayette Road North  
Saint Paul, MN 55155-4040

Re: Iron Range Off-Highway Vehicle Recreational Area  
Section 4(f) – Intent to Make a De Minimis Determination

Dear Mr. Landwehr:

The purpose of this letter is to seek your concurrence with the Federal Highway Administration's (FHWA) assessment of proposed impacts to the Minnesota Department of Natural Resources (MnDNR) Iron Range Off-Highway Vehicle Recreational Area (OHVRA) by multiple alternatives of the US 53 project (<http://www.dot.state.mn.us/d1/projects/hwy53relocation/>).

The Federal Highway Administration (FHWA) requested MnDNR's perspective in November 2012, when FHWA intended to designate the OHVRA as a multiple-use facility. This designation would have resulted in the OHVRA area west of Landfill Road not to be designated as a Section 4(f) resource. MnDNR's response via a letter dated January 3, 2013, concurred with FHWA's assessment the OHVRA (west of Landfill Road) as a multiple-use portion of the facility. The alternatives under consideration have been refined since 2012. This refinement has resulted in additional impacts to the OHVRA that must be considered in the NEPA process.

The OHVRA east of Landfill Road, a recreational resource, is subject to Section 4(f) of the United States Department of Transportation Act of 1966. The Section 4(f) process is simplified when there are only de minimis impacts (very minor impacts) to a Section 4(f) resource. If the FHWA makes a de minimis determination of a project's Section 4(f) impacts to a resource, the Section 4(f) process is satisfied and no further analysis is needed. A Section 4(f) de minimis determination may be issued solely on the very minor nature of impacts or the net impact to a Section 4(f) resource (impacts plus mitigation provided to agency with jurisdiction over the resource).

Alternatives E-1A and E-2 would cause a Section 4(f) use (strip land acquisition) at the western edge of the OHVRA (east of Landfill Road) as shown in the enclosed figure.

*2.4 acres impacted by Alternative E-2, and 3.6 acres impacted by Alternative E-1A*

There may be additional impacts to the OHVRA Section 4(f) resource during project

construction. It is *anticipated* that those impacts would meet the criteria of a ‘temporary occupancy’ that would not have an adverse effect on the OHVRA (based on the criteria in 23CFR774.13(d)), and therefore would not constitute a Section 4(f) ‘use.’ The alternatives are still being refined and we do not currently know enough about design and anticipated construction staging to determine the extent of any additional impacts. FHWA will engage the MnDNR as part of the appropriate Section 4(f) process once we have an understanding of the additional impacts, if any, to the OHVRA. The engagement will be in writing, should occur prior to the dismissal of any alternative currently under consideration, and should be resolved prior to the issuance of a Final Environmental Impact Statement.

After reviewing the MnDNR’s January 2010 Master Plan for the Virginia OHVRA area and existing site conditions, FHWA has the following observations:

- The overall size of the Virginia OHVRA site is 2,704 acres. The 2.4 acres or 3.6 acres of impact for Alternatives E-2 and E-1A, respectively, would be very minor, in terms of overall size of the Section 4(f) resource.
- The purpose of the OHVRA is to provide trails for off-highway vehicles (OHVs) and will be developed exclusively for trail riding for all classes of motorized OHVs including all-terrain vehicles (ATVs), off-highway motorcycles (OHMs), and off-road vehicles (ORVs). ORVs include larger vehicles such as 4x4 trucks and jeeps. The main OHV trail segment to be developed would be roughly parallel to Landfill Road ¼ to ½ mile to the east running for about ¾ mile through this area, and would not be affected by either alternative.
- The Master Plan shows the planned OHV trails are located outside of the illustrated impact areas. There are no existing or planned improvements within the identified impact areas (currently open space).
- The areas that would be acquired under each alternative are in areas of the OHVRA that are not designated for any specific use, activity or feature. The purpose of the OHVRA is for off-road vehicle use; however, those uses are currently restricted to developed trails or designated use areas. The impact areas for Alternatives E-1A and E-2 are not located within any special use areas or planned trail corridors in the OHVRA based on the area January 2010 master plan.

A review of the impacts and proposed construction for Alternatives E-1A or E-2 show that, in FHWA’s opinion, the direct impacts to the OHVRA will be minimal and will not adversely affect the features, attributes, or activities qualifying the OHVRA for protection under Section 4(f). Furthermore, the US 53 traffic noise would not substantially impair the activities, features, or attributes of the OHVRA. Based on this assessment, FHWA intends to make de minimis Section 4(f) determination.

Consistent with Section 4(f) requirements, an opportunity for the public to comment on the proposed de minimis finding will be provided during the public comment period on the Draft Environmental Impact Statement (DEIS).

FHWA may not make the Section 4(f) de minimis finding without your written concurrence that neither Alternative E-1A nor Alternative E-2 will adversely affect the activities, features, and attributes of the OHVRA. Your written response should explicitly address if MnDNR concurs

that neither Alternative E-1A nor Alternative E-2 will adversely affect the activities, features, and attributes of the OHVRA and if MnDNR's concurrence with FHWA's assessment of impacts to OHVRA varies by alternative. If your agency does not concur with FHWA's assessment of impacts to the OHVRA, please contact David Dominguez

| ([david.dominguez@dot.gov](mailto:david.dominguez@dot.gov)) or Philip Forst at the Minnesota Division Office of the FHWA.

Please contact me at (651) 291-6110 or [phil.forst@dot.gov](mailto:phil.forst@dot.gov) if you have any questions. We request your written response within 30 days of receipt of this letter.

Sincerely,

Philip Forst  
Environmental Specialist

| Enclosure

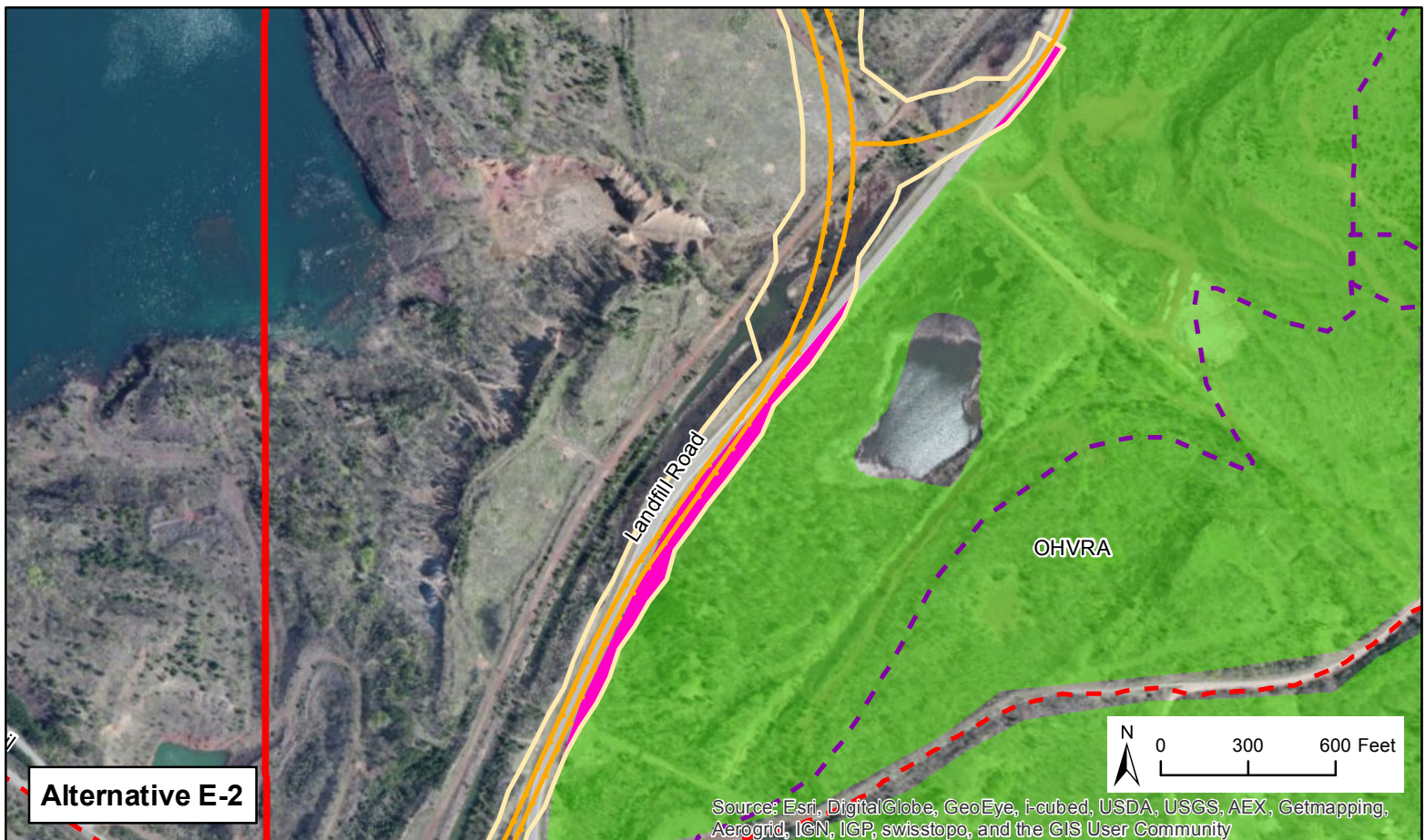
PJF/alk

cc: 1 MnDOT – Moynihan, e-copy w/enclosure, [debra.moynihan@state.mn.us](mailto:debra.moynihan@state.mn.us)  
1 MnDOT – Dwyer, e-copy w/enclosure, [Roberta.dwyer@state.mn.us](mailto:Roberta.dwyer@state.mn.us)  
1 MnDNR - Skinner, MnDNR Parks and Trails, e-copy w/enclosure,  
[Luke.Skinner@state.mn.us](mailto:Luke.Skinner@state.mn.us)  
1 MnDNR - Kelling, MnDNR Northeast Region, e-copy w/enclosure,  
[scott.kelling@state.mn.us](mailto:scott.kelling@state.mn.us)  
1 MnDNR – Vande-Linde, DNR Land & Minerals, e-copy w/enclosure,  
[aaron.vande-linde@state.mn.us](mailto:aaron.vande-linde@state.mn.us)  
1 FHWA – Dominguez, e-copy w/enclosure, [david.dominguez@state.mn.us](mailto:david.dominguez@state.mn.us)

DMS –

Enclosure – Exhibit A – OHVRA Permanent Impacts for Alternatives E-1 A and E-2





#### Legend

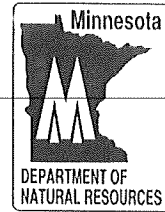
- Alternative E-1A
- Alternative E-1A Construction Limits
- Alternative E-2
- Alternative E-2 Construction Limits
- OHVRA Impacts
- Mesabi Trail
- Approximate Proposed OHVRA Trail
- School Trust Land

**Exhibit A**  
**OHVRA Impacts**  
*US Highway 53 Virginia to Eveleth*  
*Draft Environmental Impact Statement*



# Minnesota Department of Natural Resources

Northeast Region • 1201 East Highway 2 • Grand Rapids MN • 55744  
218-999-7925



February 5, 2014

Mr. Philip Forst, Environmental Specialist  
Federal Highway Administration  
380 Jackson St., Galtier Plaza, Suite 500  
St. Paul, MN 55101-4802

Re: Iron Range Off-Highway Vehicle Recreational Area  
Section 4(f) – Intent to Make a De Minimis Determination

Dear Mr. Forst,

Your letter on the above mentioned matter, dated January 28, 2014, has been given to me for a response.

The purpose of this letter is to respond to the Federal Highway Administration's assessment of proposed impacts to the Minnesota Department of Natural Resources (MnDNR) Iron Range Off-Highway Vehicle Recreation Area (OHVRA) by two alternatives of the US 53 project; Alternatives E-1A and E-2.

MnDNR concurs that neither Alternative E-1A nor E-2 will adversely affect the activities, features and attributes of the OHVRA. Furthermore, MnDNR agrees that the impacts ascribed to either alternative to the OHVRA east of Landfill Road, a recreational resource subject to Section 4(f) of the US Department of Transportation Act of 1966, are de minimis impacts. This concurrence should satisfy the Section 4(f) process relative to the OHVRA.

MnDNR has a continued interest in maintaining a motorized trail connection between the City of Virginia, the OHVRA and the East Range regardless of which alternative is chosen. We will continue to work with the Minnesota Department of Transportation to secure that connection along the new highway alignment.

If you have any questions please let me know. Thank you for the opportunity to review and comment on your alternatives.

Regards,

A handwritten signature in black ink, appearing to read "Scott J. Kelling".

Scott J. Kelling, Northeast Regional Manager  
MnDNR Parks and Trails

c: Luke Skinner  
Laura Preus  
Aaron VandeLinde  
Debra Moynihan  
Robert Dwyer  
David Dominquez



CLIFFS NATURAL RESOURCES INC.

United Taconite LLC

PO Box 180, Eveleth, MN 55734

P 218.744.7800 [cliffsnaturalresources.com](http://cliffsnaturalresources.com)

March 26, 2014

Roberta Dwyer  
Project Manager  
Minnesota Department of Transportation  
1123 Mesaba Avenue  
Duluth, Minnesota 55811  
Sent via email to: [Roberta.Dwyer@dot.state.mn.us](mailto:Roberta.Dwyer@dot.state.mn.us)

RE: Proposed Highway 53 M-1 Alignment

Ms. Dwyer:

Cliffs Natural Resources (Cliffs) and United Taconite (UTAC) would like to extend our gratitude to the Minnesota Department of Transportation (MnDOT) for the agency's diligent work on the Highway 53 Realignment Project. This project is critical to the future of United Taconite and the \$273 million dollars in annual economic impact the operation has on its surrounding communities and the State as a whole. The purpose of this letter is to share United Taconite's position on a through-pit alignment of Highway 53 (M-1 Alignment) and explain why this route option would greatly encumber UTAC's ability to operate into the future.

Since the termination notice of the Highway 53 easement agreement was delivered, Cliffs/United Taconite has been conducting its own examination of the potential routes, in particular the through-pit alignment, and the impact on mine operations. This has involved several layers of the Cliffs organization and United Taconite over a number of years, looking at our current mine operations, future plans, regulations and ever-changing economics affecting the industry. Throughout this process, Cliffs has communicated a number of concerns related to the through-pit alignment, including: air quality compliance, blasting impacts, safety risks, mine operational challenges and significant ore reserve impediments.

Following a thorough analysis of these concerns, Cliffs determined that we cannot risk the future viability of United Taconite by encumbering ore, creating an environmental compliance risk or accepting health and safety hazards that come with the through-pit alignment (M-1). Therefore, UTAC cannot support issuance of an easement for the M-1 corridor.

We believe this position is necessary to ensure that the highway relocation proceeds in a manner that does not threaten the viability of United Taconite or impose unreasonable costs on the State. We are committed to continue working with MnDOT in order to help the agency deliver a new corridor that is acceptable to the public and allows for the continued viability of mining in the area.

Sincerely,

A handwritten signature in black ink, appearing to read "Santi Romani".

Santi Romani  
General Manager, United Taconite

**Haase, Rachel**

---

-----Original Message-----

From: Wierzbinski, Daryl W MVP [<mailto:Daryl.W.Wierzbinski@usace.army.mil>]  
Sent: Wednesday, June 04, 2014 3:36 PM  
To: Dwyer, Roberta (DOT)  
Subject: waters of the U.S. (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Roberta,

Please see attached. The pit would not fit under the current definition of waters of the U.S.

Thanks for the question.

Daryl W. Wierzbinski  
Corps of Engineers, Lead Project Manager Two Harbors office  
1554 Highway 2, Suite 2  
Two Harbors, Minnesota 55616  
Phone: 651 290-5691  
Email: [daryl.w.wierzbinski@usace.army.mil](mailto:daryl.w.wierzbinski@usace.army.mil)

Classification: UNCLASSIFIED  
Caveats: NONE